



Natural Resources Conservation Service
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February 28, 2008

NEW MEXICO BULLETIN NO. 300-8-04

**SUBJECT: LTP – AMEND NEW MEXICO POLICY FOR THE CANCELLATION AND
TERMINATION OF EQIP, WHIP AND CSP CONTRACTS**

TO: All Offices

Purpose. To amend New Mexico policy when terminating/cancelling EQIP, WHIP and CSP contracts.

Expiration Date. September 30, 2008.

The New Mexico policy on cancellations and terminations will be expanded in the following areas:

Cross Program Consistency

Responsibilities for processing contract cancellations and terminations in EQIP, WHIP and CSP (to some extent) shall be treated as similarly as program rules allow. The field office (FO) shall coordinate activities with clients to gather the necessary information and make a recommendation on action to the Area Conservationist (AC). The AC's will take appropriate action in EQIP and WHIP, and make a recommendation for appropriate action to the State Conservationist (STC) in CSP. The matrix of cost recovery developed for EQIP only applies to EQIP, as WHIP and CSP have different cost recovery and liquidated damages policies as described in their manuals and authorities (statue). However, factors identified in the EQIP matrix (e.g. land owner intent, presence and type of hardship, etc.) should also be **well** documented and considered in WHIP and CSP and supporting documentation submitted to the AC or STC for consideration in the final decision making.

Cost Recovery and Liquidated Damages

New Mexico policy requires the submission of recovery costs to be sent directly to the following address, making the check payable to the Natural Resources Conservation Service:

Natural Resources Conservation Service
Attn: Financial Management Section (Norm Harris)
6200 Jefferson, NE
Albuquerque, NM 87109-3734

In the past, termination/cancellation letters with recovery costs were written providing the option to either mail to the corresponding FO or the state office (SO). The only option is the SO from the date of issuance of this bulletin.

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The Programs staff will inform the AC if recovery costs have been received or if the participant has not provided a written response within the specified time of 30 days. Programs will inform the AC if an appeal, waiver or mediation has been filed and Areas will inform Programs if they become aware of similar actions by the participant.

The AC will take the appropriate action to contracts when written information has been received from the Programs staff. The AC's will continue to provide a copy of the termination or cancellation letter with or without recovery costs to the ASTC for Programs.

REMINDER: When seeking information on Program policy and guidelines, the first step is to read the various Parts in the 440-Conservation Programs Manual (e.g. EQIP-515, WHIP-517, CSP-518) followed by accessing reference material such as Part 512-Conservation Program Contracting. Verify the presence or absence of bulletins and supplemental policy for New Mexico. Make sure you are using the latest version/amendment of the program's manual if referencing a hard copy.

If you have any questions, please contact ASTC/Programs Norman Vigil, at 761-4445 or Norman.Vigil@nm.usda.gov.

/s/ by Norman Vigil (acting)

DENNIS L. ALEXANDER
State Conservationist